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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 L.A. GEM & JEWELRY DESIGN,
11 INC.,

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13 Plaintiff,

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15 vs.

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17 AMERICAN GALACTIC, LLC, dba
18 MAGIC METAL JEWELRY; ERIC
19 BAUMBACH; and DOES 1-10;

20 Defendants.
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) Case No.: CV15-04081 BRO (GJSx)

)
) **JUDGMENT PURSUANT TO**
) **ORDER ON PLAINTIFF'S**
) **MOTION FOR DEFAULT**
) **JUDGMENT**

The Court having read and considered the Motion for Default Judgment Against Defendants American Galactic, LLC dba Magic Metal Jewelry and Eric Baumbach (collectively “Defendants”) submitted by Plaintiff L.A. Gem & Jewelry Design, Inc. (“LA Gem”), issued its Order dated June 6, 2016 (ECF No. 27), and good cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. L.A. GEM & JEWELRY DESIGN, INC. (“Plaintiff” or “LA Gem”) is the owner of U.S. Copyright Registration number VA 1-912-320 titled “LA Rocks I Love You to the Moon and Back: 448011,” issued on November 21, 2013 (“Moon Pendant”), which registration is valid and enforceable;



2. LA Gem is the owner of U.S. Copyright Registration number VA 1-889-369 titled “LA Rocks I Love You to the Moon and Back: 451711CL, 451713...,” issued on November 25, 2013 (“Mom Pendant No. 1”), and its derivative Design No. 453547 (“Mom Pendant No. 2”), which registration is valid and enforceable;



Mom Pendant No. 1



Mom Pendant No. 2

3. Default Judgment is GRANTED and ENTERED against AMERICAN GALACTIC, LLC dba MAGIC METAL JEWELRY and ERIC

1 BAUMBACH (“Defaulting Defendants”) pursuant to the prayer of the
2 Complaint on each of Plaintiff’s claims as set forth in the Complaint,
3 including its claims for (i) willful copyright infringement of the Moon
4 Pendant and Mom Pendant copyrighted designs in violation of 17 U.S.C. §
5 501; and (ii) contributory and vicarious copyright infringement of the Moon
6 Pendant and Mom Pendant copyrighted designs;

7 4. The Defaulting Defendants created, designed, purchased, imported,
8 distributed, offered for sale and/or sold certain jewelry products bearing
9 designs that willfully infringed the Moon Pendant and Mom Pendant
10 copyrighted designs;

11 5. The Defaulting Defendants, their officers, agents, servants, employees and
12 representatives and all other persons, firms or corporations in active concert
13 or participation with it, who receive notice of this Order, are hereby
14 enjoined, restrained, and prohibited from:

- 15 (a) manufacturing, producing, selling, distributing or otherwise disposing
16 of any jewelry that is in Defaulting Defendants’ possession, custody,
17 and/or control that is substantially similar to LA Gem’s copyrighted
18 Moon Pendant and Mom Pendant designs; and
19 (b) engaging in any other activity constituting an infringement of LA
20 Gem’s copyrights of the Moon Pendant and Mom Pendant designs;

21 6. Pursuant to the Copyright Act, 17 U.S.C. § 503, and the equitable powers of
22 this Court, Defendants are ordered to destroy all infringing copies of the
23 Moon pendant and Mom Pendant Designs and all molds by which such
24 infringing copies were produced.

25 7. The Defaulting Defendants are liable to Plaintiff in the amount of
26 \$150,000.00 in statutory damages, plus post judgment interest calculated in
27 accordance with 28 U.S.C. § 1961(a), as a result of the Defaulting
28 Defendants’ willful copyright infringement of the Moon Pendant and Mom

Pendant copyrighted design pursuant to 17 U.S.C. § 504(c); and

8. The Defaulting Defendants are liable to Plaintiff in the amount of \$6,600.00 for Plaintiff's attorneys' fees pursuant to 17 U.S.C. § 505 and Local Rule 55-3.

IT IS HEREBY ORDERED

Dated: June 15, 2016



HONORABLE BEVERLY REID O'CONNELL
UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I declare that I am over the age of eighteen (18) years and not a party to this action. My business address is 10517 West Pico Boulevard, Los Angeles, California 90064 and I am employed in the office of a member of the bar of this Court at whose direction this service was made.

On **June 13, 2016**, I served the following document(s) described as: **[PROPOSED] JUDGMENT**

☐

BY MAIL as follows: I am readily familiar with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service. Under that practice the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. Under that practice the envelope(s) was (were) sealed, and with postage thereon fully prepaid, placed for collection and mailing on this date in the United States Mail at Los Angeles, California addressed as set forth below.

☐

BY PERSONAL SERVICE as follows: I caused such envelope(s) to be delivered by hand to the addressee(s) at the address set forth below by Now Messenger Service.

☐

BY FEDERAL EXPRESS as follows: I placed the document(s) listed above with fees thereon fully prepaid for deposit with Federal Express (next business day delivery), this same day following ordinary business practices to the address(es) set forth below.

☐

BY FACSIMILE TRANSMISSION as follows: I caused the above-referenced document(s) to be transmitted by facsimile to its intended recipient(s) at the following facsimile number(s) before 5:00 p.m.

☒

BY ELECTRONIC MAIL (EMAIL) TRANSMISSION as follows: I caused the above-referenced document(s), in .pdf format, to be transmitted to its intended recipient(s) at the following email addresses set forth below via RPost.com's registered email service to confirm delivery.

American Galactic, LLC dba Magic Metal Jewelry
c/o Mr. Eric Matthew Baumbach, Agent for Service of Process
518 Gentle Breeze Drive
Saint Peters, MO 63376
info@magicmetaljewelry.com

Mr. Eric Matthew Baumbach
518 Gentle Breeze Drive
Saint Peters, MO 63376
info@magicmetaljewelry.com

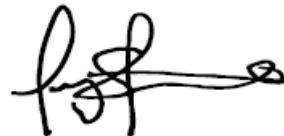
I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **June 13, 2016**, at Los Angeles, California.

☐

STATE: I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

☒

FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.



Priya S. Patel